

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Case No. 3:24-cv-480-ART-CSD

Plaintiff,

ORDER

v.

\$60,141 in UNITED STATES
CURRENCY,

Defendant,

JON AARON MONTOYA,

Claimant.

This is a civil forfeiture action instituted by the Government after it seized \$60,141 found in Claimant Jon Aaron Montoya's car. Pending before the Court is the Government's motion to stay its response to Montoya's motion to dismiss. (ECF No. 12.) Montoya did not oppose the motion to stay. For the following reasons, the Court grants in part the Government's motion to stay. The Government shall have until May 15, 2025, to respond to Montoya's motion to dismiss.

I. LEGAL STANDARD

Civil forfeiture actions are governed by statute, the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and the Federal Rules of Civil Procedure. *United States v. \$133,420.00 in U.S. Currency*, 672 F.3d 629, 634 (9th Cir. 2012). Unlike in typical civil proceedings, the government may commence limited discovery immediately after a verified claim is filed. *Id.* "The government may serve special interrogatories limited to the claimant's identity and relationship to the defendant property without the court's leave at any time after the claim is filed and before discovery is closed." Supp. R. G(6)(a). "The government need not respond to a claimant's motion to dismiss the action under

1 Rule G(8)(b) until 21 days after the claimant has answered these interrogatories.”
2 Supp. R. G(6)(c).

3 **II. DISCUSSION**

4 The Government filed the complaint in this case on October 21, 2024. (ECF
5 No. 1.) On November 25, 2024, Montoya filed a judicial claim asserting an
6 ownership and possessory interest in the property. (ECF No. 6.) On December 16,
7 2024, the Government served Montoya with special interrogatories. (ECF No. 12
8 at 2.) On January 29, 2025, Montoya filed a motion to dismiss, arguing that the
9 Government did not have probable cause for forfeiture. (ECF No. 11.) On February
10 23, 2025, The Government filed this motion to stay its response to the motion to
11 dismiss. (ECF No. 12.) It requested a stay until: (1) Montoya responded to the
12 Government’s special interrogatories; (2) the Government has had a “reasonable
13 opportunity to investigate, and attempt to verify, the information contained in
14 those responses”; and (3) the Government has had a “reasonable opportunity to
15 file, and pursue a hearing on, any appropriate Supp. R. G(8) motion.” (ECF No.
16 12 at 11.)

17 Under Supplemental Rule G(6)(c), the Government is entitled to a stay until
18 21 days after Montoya responds to the special interrogatories. Montoya does not
19 contest the Government’s “statutory right to respond to the Motion to Dismiss
20 within 21 days of receiving the responses to the special interrogatories.” (ECF No.
21 17 at 2.) In subsequent briefing, the parties explain that Montoya filed responses
22 to the Government’s special interrogatories on February 22, 2025. (ECF No. 17
23 at 2, 5–14.) The Government was not satisfied with those responses and
24 requested supplemental responses to several of the special interrogatories on
25 March 20, 2025. (ECF No. 18 at 2.) Montoya stated that he would respond to
26 those additional interrogatories by April 21, 2025. (ECF No. 19.) If Montoya met
27 that deadline, a stay until 21 days after April 21 is appropriate and would require
28 the Government to respond by May 15.

1 The Government has not offered any legal authority to support its request
2 for a stay beyond the time provided for in the Supplemental Rules, and the Court
3 declines to grant its request for a stay beyond that 21-day period.

4 **III. CONCLUSION**

5 It is hereby ordered that Plaintiff's motion for a stay to respond to
6 Claimant's motion to dismiss (ECF No. 12) is granted in part.

7 The Government shall have until 21 days after Claimant responds to the
8 Government's request for supplemental responses to its special interrogatories to
9 respond to Claimant's motion to dismiss.

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11 DATED: April 25, 2025

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15 ANNE R. TRAUM
16 UNITED STATES DISTRICT JUDGE
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